

Application No.: 10/189,174Docket No.: 30003403-04REMARKS

Claims 1-5, 13-17, 21-22 and 29-53 are pending in the application. Claims 1-13 and 21-28 have been rejected and claims 14-20 have been indicated as containing allowable subject matter. Claims 1, 3, 15-17 have been amended and claims 29-54 have been added to provide applicants with the protection to which they are deemed entitled. Claim 1 has been amended so it includes the subject matter of claim 14. Claim 1 and the claims dependent thereon, i.e., claims 2, 3, 5, 13, 15-17, 21 and 22, are, therefore, allowable. New claim 29 and the claims dependent thereon, i.e., claims 30-35, include substantially all the features of claims 1 and 18, as previously submitted. Claims 29-35 are therefore allowable. Dependent claims 4, 6-13, 18-20 and 23-28 are canceled because the coverage provided by them is included in other claims now extant in the application.

The rejection of claims 1-3, 12, 13, 21 and 22 under 35 USC §101 because the claimed invention is directed to non-statutory subject matter is now moot.

The rejection of claims 1, 12, 13 and 21 under 35 USC §103(a) as being unpatentable over Stapp (U.S. Patent No. 5,930,771) is now moot.

The rejection of claims 2, 3, 6, 7, 8, 9, 10, 11 and 22 under 35 USC §103(a) as being unpatentable over Stapp as applied to claim 1, and further in view of official notice is now moot.

The rejection of claim 4 under 35 USC §103(a) as being unpatentable over Stapp as applied to claim 1, and further in view of Ayed (U.S. Patent No. 6,756,913) is now moot.

The rejection of claim 5 under 35 USC §103(a) as being unpatentable over Stapp and official notice as applied to claim 2, and further in view of Gershman et al. (U.S. Patent No. 6,199,099) is now moot.

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The rejection of claims 23, 24, 25, 26 and 27 under 35 USC §103(a) on essentially the same grounds, as unpatentable over Stapp, official notice, and, in the case of claim 27, Gershman, is now moot.

New claims 36-54 include features not disclosed by the previously applied art. The features of independent claims 36 and 40 are similar to the features of claims 1 and 29 that applicants believe are allowable over the art of record.

In independent method claim 35, a user uses a portable device to capture store data and item data while on a shopping trip; subsequently, this data is used to present to the user information about the trip. Dependent claim 37 adds the feature of the user selecting a presented store or item and fetching further information about this store or item. Claim 38 requires the captured store data to be location data which is translated into store identity; claim 39 requires resolving ambiguities in translating location data to a store identity by using the item data associated with store data formed by a said location. Independent claim 40 is of similar scope to independent method claim 36, while dependent system claim 41 is similar to method claim 37.

In view of the foregoing amendments and remarks, allowance is in order.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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